

**TIPPECANOE COUNTY BOARD OF COMMISSIONERS
REGULAR MEETING
JUNE 16, 2003**

The Tippecanoe County Commissioners met on Monday, June 16, 2003 at 10:00 A.M. in the Tippecanoe Room in the County Office Building. Commissioners present were: President KD Benson, Vice President Ruth E. Shedd, and Member John L. Knochel. Also present were: Auditor Robert A. Plantenga, Commissioners' Assistant Jennifer Weston, County Attorney David W. Luhman, and Secretary Pauline E. Rohr.

President Benson called the meeting to order and led the Pledge of Allegiance.

APPROVAL OF MINUTES

Commissioner Shedd moved to approve the minutes of the May 19, 2003 Regular Meeting, and the June 2, 2003 Special Meeting as distributed, seconded by Commissioner Knochel; motion carried.

APPROVAL OF ACCOUNTS PAYABLE VOUCHERS: Commissioners' Assistant Jennifer Weston

Mrs. Weston noted a correction to Voucher #1419 in the amount of \$110,406 payable to Menards should be payable to Mid States General.

- Upon the recommendation of Commissioners' Assistant Weston, Commissioner Knochel moved to approve the Accounts Payable Vouchers as presented for the periods ending June 6, 2003, June 13, 2003, and June 16, 2003 seconded by Commissioner Shedd; motion carried.

HIGHWAY: Executive Director Mark Albers

ORDINANCE 2003-29-CM, Second Reading: Parking Restrictions (re: McCutcheon H.S.) (Refer to 2/19/03, 4/21/03, 5/5/03, & 6/2/03 Minutes)

Ordinance 2003-29-CM will appear in its entirety in the Ordinance and Resolution Book in the County Auditor's Office.

Attorney Luhman read the list of restricted parking in or on the following streets and roadways within the County between the hours of 7:00 A.M. and 4:00 P.M. on all days that the County high schools are in operation:

1. Buckingham Subdivision
2. J & J Subdivision
3. Mayflower Mill Subdivision
4. McCutcheon Heights Subdivision
5. Prairie Oaks Subdivision
6. Sheffield Subdivision Part I
8. Stratford Glen Subdivision
7. Traumer's Subdivision
9. Old Romney Road (Old US 231 to County Road 400 South)
10. County Road 400 South (Old Romney Road to US 231)
11. County Road 500 South (from US 231 to East of Mayflower Mill School)
12. Old US 231 (from Wea Creek to end)

Mr. Albers reported the Highway Department received one (1) e-mail from a property owner requesting inclusion of the dead end stretch of Old Romney Road that ends at a barricade. This individual owns all land encompassing the north boundary of CR 400 S and Old Romney Road that now dead ends since a bridge was removed. Mr. Albers said he doesn't foresee a future for this dead end road and thinks it would be better to vacate it and let the property owner maintain it rather than restrict parking on it.

Commissioner Knochel pointed out that vacating the road will not eliminate parking. Attorney Luhman pointed out that, if the road were private property, parkers would be trespassing and the owner could report them to the

Sheriff. Commissioner Knochel asked Mr. Albers to talk to the property owner to see if he is interested in asking the Commissioners to vacate the road. President Benson asked Mr. Albers to research if access for the property owner to the east will be affected if the road is vacated.

- Commissioner Shedd moved to approve Ordinance 2003-29-CM on second reading, seconded by Commissioner.

Auditor Plantenga recorded the vote:

KD Benson	Yes
Ruth Shedd	Yes
John Knochel	Yes

- The motion to approve Ordinance 2003-29-CM on second reading passed 3 – 0.

**WARRANTY DEEDS: CR 550 E Project (SR 26 to McCarty Ln)
PARTIAL RELEASE OF MORTGAGES**

Mr. Albers submitted for acceptance the following Warranty Deeds for the CR 550 E Project. He noted that in addition to Warranty Deeds there is a Partial Release of Mortgage as well as Release of Part of Premises from Mortgage for Siefert and a Partial Release of Mortgage for Cooper.

Key #112-03000-0038: 30' ½ width R-O-W easement:
A part of the NW ¼ of Sec 30, Twp 23 N, R 3 W in Perry Twp from Michael R. Morehouse.

Key #112-03000-0192: 30' ½ width R-O-W easement:
A part of the NW ¼ of Sec 30, Twp 23 N, R 3 W in Perry Twp from Charles T. & Janet A. Siefert.

Key#112-03000-0181: 30' ½ width R-O-W easement:

A part of the NW ¼ of Sec 30, Twp 23 N, R 3 W in Perry Twp from Kent A. & Kelly S. Cooper.

- Commissioner Shedd moved to accept the three Warranty Deeds, the two Partial Release of Mortgages, and the one Release of Part of Premises from Mortgage for the CR 550 E Project, seconded by Commissioner Knochel; motion carried.

QUIT CLAIM DEED: Town of Otterbein

By request of the Town of Otterbein, Mr. Albers submitted for acceptance a Quit Claim Deed from Tippecanoe County to the Town of Otterbein the following:

(quote)

All of the rights and responsibilities in the right-of-way in Town Road 500 N between State Road 52 W and the Town of Otterbein municipal corporation line and all the rights and responsibilities in Town Road 950 W from Town Road 500 N to U.S. 52 W.

Subject to, and excepting therefrom, all rights and responsibilities for all present and future, bridges, culverts, drains, and water conveyance facilities, and reserving to Tippecanoe County access for construction and maintenance of said facilities.

(unquote)

Commissioner Knochel asked if this could be done by Interlocal Agreement. Attorney Luhman said there would be no advantage; a Quit Claim Deed is more expeditious. He said Tippecanoe County reserves the right to maintain culverts, bridges, etc. while giving them the opportunity to use the easements and maintain the roads.

Commissioner Shedd thought the description and footage of the two roads was vague. Mr. Albers said he is sure of the description of CR 500 N because it is an old State highway but he is not sure of CR 950 W. Attorney Luhman said the Town may want to get an Engineering Study to determine the boundaries, but this document says the County is releasing whatever interest it has on those two roadways.

- Commissioner Shedd moved to approve the Quit Claim Deed, seconded by Commissioner Knochel; motion carried.

SURETY BOND: R W Davis Contracting, Inc.

- Commissioner Shedd moved to approve Surety Bond #151013 for R W Davis Contracting, Inc. in the amount of \$5,000 for the entrance of Meadow Gates Estates SD, seconded by Commissioner Knochel; motion carried.

PAYMENT & PERFORMANCE BONDS: Milestone Contractors, L.P.

- Commissioner Shedd moved to approve Payment & Performance Bonds #400SV6608 for Milestone Contractors, L.P. in the amount of \$909,501.46 for the reconstruction of CR 430 S, seconded by Commissioner Knochel; motion carried.

Mr. Albers said work has begun but the road is still open.

MAINTENANCE BOND & RIDER and CONTINUATION SURETY: Atlas Excavating, Inc.

Mr. Albers explained the Rider amends the name of the Obligee from Tippecanoe County Highway Department to Tippecanoe County Board of Commissioners.

- Commissioner Shedd moved to approve Maintenance Bond and Rider #400SM4155 in the amount of \$5,000 and Continuation Surety for Bond #31-0120-32903-99-0 for Atlas Excavating, Inc. for work at CR 350 and CR 475, seconded by Commissioner Knochel; motion carried.

PAYMENT & PERFORMANCE BONDS: Atlas Excavating, Inc.

- Commissioner Shedd moved to approve Payment & Performance Bonds #400SV6692 for Atlas Excavating, Inc. in the amount of \$849,310.42 for the Tippecanoe County Bridge Rehabilitation Project, seconded by Commissioner Knochel; motion carried.

CERTIFICATES OF INSURANCE

- ♦ The St. Paul, Liberty Mutual Ins Co for Tipmont R.E.M.C. and/or Tipmont Holdings, Inc.
- ♦ Amerisure Mutual Insurance Company, National Union Fire Insurance Company, Fireman's Fund Insurance Company for Atlas Excavating, Inc.
- ♦ Pekin, Auto-Owners for Stanifer Construction, Leamon Stanifer DBA
- ♦ Auto Owners Insurance Co, Travelers Service Center, Accident Fund Company, Northland Ins Co for B J Young Inc, Superior Transit
- ♦ United Farm Family Mutual Insurance Company for Daniel L. Cassens, Victoria J. Cassens
- ♦ Fireman's Fund Ins. Co, Cincinnati Insurance, Accident Fund for Kerkhoff Ranch, Inc
- ♦ American Family Insurance Company for James A Papke, Pauline Papke
- ♦ Indiana Farmers for Jeff Lee Builders, Inc
- ♦ Cincinnati Insurance Co for Ted A Hardebeck DBA Hardebeck Homes, Inc
- ♦ Grange Mutual Casualty Co for Precision Builders of Lafayette Inc
- ♦ Cincinnati Insurance Co, Cincinnati Casualty Company for Featherston Masonry Contractor, Inc
- ♦ General Casualty for F & K Construction Inc
- ♦ Amerisure Companies for Kreager Brothers Excavating, Inc
- ♦ St Paul Fire and Marine Ins, Zurich American Ins Company, National Union Fire Ins Co for Milestone Contractors, L.P.
- ♦ Burlington Insurance Company, American Cas Co of Reading PA, Continental Casualty Company for Craftech Building System, Inc, DBA Heckaman Homes

SPEED LIMIT EVALUATION GRANT: Grant Coordinator Jessica Rebmann

Mrs. Rebmann explained that Highway Department Traffic Supervisor Cindy Coddington will be the Project Director for the Federal Highway Administration's Demonstration and Evaluation of Rational Speed Limits Project if we receive one of the four grants that will be awarded nationwide. Speed limits on our County roads will be evaluated and adjusted to a more rational speed limit if necessary. The new speed limits will be advertised and vigorously enforced by the Sheriff's Department. Michael Gillaspay from Purdue University's Center of Advancement of Transportation will serve as Assistant Project Director and Manager of Data Analysis. Mrs. Rebmann said the Commissioners will be asked to approve the rational speed limit ordinances when presented. Today they are asked to approve the Formal Proposal, sign a Letter of Support, and Certifications.

Ms Coddington said Tippecanoe County will serve as the demonstration community and they hope Monroe County will agree to serve as the control community for the 15 month study. Speed limits will be established with public input throughout the process and enforced with less tolerance for violators by the Sheriff's Department. There will be funding for publicity campaigns to inform the public for better driver acceptance. At the end of the study, they will evaluate conformance of Monroe County residents with their posted speed limits compared to conformance of Tippecanoe County residents with their posted speed limits to determine if public information and enhanced enforcement make a difference.

Mr. Gillaspay explained they want to see how implementing public information and education into a change to a rational speed limit can affect compliance and safety. He said Purdue's role will be to evaluate citation, enforcement, and crash data.

Mr. Albers said the grant funds will reimburse the County for personnel time. He thinks the study will alert the community that speed causes accidents and fatalities.

Mrs. Rebmann said the estimated amount of the grant will be between \$200,000 and \$250,000.

- Commissioner Shedd moved to approve the Highway Speed Evaluation Grant and sign the Letter of Support and Certifications, seconded by Commissioner Knochel; motion carried.

PUBLIC HEARING SCHEDULED: Vacation in Willowood East SD

Attorney Matt McQueen requested a Public Hearing date for the vacation of a platted utility and drainage easement in Willowood East Subdivision. Attorney Luhman informed Mr. McQueen he will need approval of the Drainage Board before the hearing date.

- Commissioner Shedd moved to hold a Public Hearing at 10:00 A.M., Monday, July 21, 2003 on the Vacation request for Willowood East SD, seconded by Commissioner Knochel; motion carried.

ROBERT J. KINSEY AWARD: Judge Loretta Rush, Recipient

President Benson explained that this award is presented in the name of Judge Robert J. Kinsey who received the first award at the 1984 Juvenile Judges Symposium for his years of service and support of the well-being of Indiana's children. She announced that Superior Court III Judge Loretta Rush, who was present, was nominated as one who best exemplifies the characteristics that set Judge Kinsey apart from others in his support and service to children. Judge Rush will receive the award at the Juvenile Judges Symposium on June 18, 2003. President Benson then read from Cary Home Director Rebecca Humphrey's nomination letter which concluded with:

(quote)

Judge Rush is caring, compassionate, dedicated to the service of children and demonstrates each and every day that her life's work is improving the life of each child she meets, whether it is on the bench or in a classroom or community setting. Judge Rush works hard to provide programming that keeps youth in the community and with their families and strengthen not only the family environment but also aids juveniles in becoming productive, health members of the community.

(unquote)

Judge Rush thanked President Benson for the recognition and said she is very thrilled to receive the award.

IUPUI STORMWATER PROJECT AGREEMENT: Surveyor Steve Murray

Mr. Murray said this Agreement is between the County and the Center for Urban Policy and the Environment School of Public and Environmental Affairs Indiana University-Purdue University Indianapolis. The Agreement consists of six (6) components:

1. Determine funding currently available for stormwater quality related work, broken down by jurisdiction.
2. Determine additional funds needed.
3. Identify funding sources.
4. Estimate resulting revenue potential from recommended/preferred sources.
5. Summarize findings and recommendations.
6. Conduct and/or attend meetings.

Tippecanoe County's portion of \$13,950 is budgeted in the EDIT Fund's Phase II Stormwater line item.

- Commissioner Shedd moved to approve the Agreement for Stormwater Management Financial Services with IUPUI, seconded by Commissioner Knochel; motion carried.

RESOLUTION 2003-21-CM: Set a Public Hearing re Establishment of Cum Bridge Fund Tax Rate

Resolution 2003-21-CM will appear in its entirety in the Ordinance and Resolution Book in the County Auditor's Office.

Commissioner Shedd noted that the Resolution sets the Public Hearing for Monday, July 21, 2003, but she will be on vacation. An alternate date of Tuesday, July 15, 2003 at 11:00 A.M. was set.

Commissioner Benson explained that the Cum Bridge Fund Tax Rate was lowered for 2003 so a short fall in the County General Fund could be met. There is uncertainty about the rate to set for 2004 because we don't yet know the assessed valuation, but she thinks it can be set at the 2002 rate of 6¢.

Attorney Luhman explained that the Commissioners can propose a rate today, advertise notice of a public hearing and, after the public hearing, the Commissioners can lower the rate. This has to be accomplished so the rate can be certified to the Department of Local Government & Finance by August 2, 2003 for approval.

Auditor Plantenga said a 6¢ rate is not necessary because it will generate a great deal more money than it has in the past because of Reassessment. To go back to a 6¢ rate will pinch the General Fund so much it will, in his opinion, eliminate pay raises and necessitate position cuts. He explained that for 2003 a levy of \$2,250,000 was set to go to the Cum Bridge Fund and the rate was associated with that. In 2002, the 6¢ rate generated \$2.9 million for the Cum Bridge Fund. Auditor Plantenga thinks he will have more information before the Public Hearing.

President Benson asked Highway Executive Director Albers if he needs more money in the Cum Bridge Fund. Mr. Albers said they do have bridge relinquishment obligations, US 231 obligations that involve structures that are part of the design, and bridge maintenance and rehabilitation costs keep rising. He noted that when unfunded mitigation requirements go into effect, the cost for each structure will be raised.

Auditor Plantenga suggested considering the establishment of a Major Bridge Fund outside the levy limit which would be a tax increase but could be used for construction and maintenance of major bridges. Due to uncertainty about the qualifications to be a major bridge, President Benson asked Mr. Albers and Attorney Luhman to research the issue and determine if we maintain any major bridges.

- Commissioner Knochel moved to advertise a Special Meeting for Tuesday, July 15, 2003 at 11:00 A.M. to hold a Public Hearing to consider a Cum Bridge Fund rate of six (6¢) cents for 2004, seconded by Commissioner Shedd; motion carried.
- Commissioner Shedd moved to approve Resolution 2003-21-CM, seconded by Commissioner Knochel; motion carried.

SPONSORSHIP AGREEMENTS

Gone Hog Wild: CASA Director Coleen Hamrick

The Commissioners were asked to act as a sponsor for the Gone Hog Wild fund raising event by allowing the use of the Tippecanoe County Courthouse grounds for the duration of the event. The Gone Hog Wild fund raising event presented by the CASAs for Kids Fund, Inc. and the Art Museum of Greater Lafayette will provide needed funding for support of the Tippecanoe County Court Appointed Special Advocates Program.

Mrs. Hamrick said this funding raising event, that culminates in September, will provide services and goods for abused and neglected children in the community that would not otherwise be available. She cited summer camps, beds at home, and haircuts as examples.

- Commissioner Shedd moved to approve the Sponsorship Agreement for the Gone Hog Wild Fund Raising Event, seconded by Commissioner Knochel; motion carried.

Stars & Stripes July 4th Celebration

Stars & Stripes, Inc., a nonprofit charitable organization, requested use of the County's Parking Garage from 3:30 P.M. to 11:00 P.M., on Friday, July 4, 2003 for VIP Parking for a reasonable charge. As sponsor, the Commissioners agreed to donate the proceeds from the rental of parking spaces to persons attending the event for support of the charitable activities of Stars & Stripes, Inc.

- Commissioner Shedd moved to approve the Sponsorship Agreement with Stars & Stripes, Inc. for use of the Parking Garage, seconded by Commissioner Knochel; motion carried.

AMENDMENT TO IKON COPIER LEASE: Commissioners' Assistant Weston

Mrs. Weston explained we entered into a copier lease with IKON in August 2002 at which time several copiers were replaced with digital copiers with network connectivity. Since then, the Wea Township Assessor, the Board of Election & Registration, Human Resources, and the Magistrate have requested new digital copiers. This amended lease for the 49 remaining months will cost approximately \$7,210 compared to \$5,875, but our 750,000 free copies per quarter will increase to 4.2 million per year. Since we have increased our usage approximately 1 million per quarter, we will save on overage costs.

- Commissioner Shedd moved to approve the Amendment to the IKON Copier Lease, seconded by Commissioner Knochel; motion carried.

REPORTS

Reports from Veterans Affairs, and Mail & Duplicating are on file in the Commissioners' Office for review.

ADJOURNMENT

- Commissioner Shedd moved to adjourn, seconded by Commissioner Knochel; motion carried.

BOARD OF COMMISSIONERS OF

THE COUNTY OF TIPPECANOE

KD Benson, President

Ruth E. Shedd, Vice President

John L. Knochel, Member

ATTEST:

Robert A. Plantenga, Auditor